

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IVAN V. CLEVELAND, H60545, )  
Plaintiff(s), ) No. C 14-4277 CRB (PR)  
vs. ) ORDER OF DISMISSAL  
EDMUND G. BROWN, Governor, )  
Defendant(s). )

Per order filed on March 3, 2015, the court dismissed plaintiff's pro se prisoner complaint under 42 U.S.C. § 1983 for failure to state a claim upon which relief may be granted, but afforded plaintiff an opportunity to amend "to allege facts in support of possible § 1983 claims of deliberate indifference to his serious medical and mental heath needs, if he can, and to name the correct defendants who participated in or failed to prevent the denial of adequate medical and mental health care at issue." Dkt. #5 at 3. The court warned plaintiff that "[f]ailure to file a proper amended complaint within [28 days of this order] will result in the dismissal of this action." Id.

More than 40 days have elapsed; however, plaintiff has not filed a proper amended complaint or sought an extension of time to do so. This action accordingly is DISMISSED for failure to state a claim upon which relief may be granted under the authority of 28 U.S.C. § 1915A(b). The clerk shall enter judgment in accordance with this order and close the file.

SO ORDERED.

DATED: April 16, 2015

  
CHARLES R. BREYER  
United States District Judge